

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARCOS C. GUILLEN,)	No. C 06-5176 RMW (PR)
)	
Plaintiff,)	ORDER PROVIDING
)	PLAINTIFF NOTICE AND
v.)	WARNING; SCHEDULING
)	SUPPLEMENTAL BRIEFING
)	
CORRECTIONAL OFFICER ROCHA, et)	
al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a California prisoner pro se, filed this civil rights action under 42 U.S.C. 1983. Defendants have filed a motion for summary judgment. Although given an opportunity, plaintiff did not file an opposition. The case is now submitted for consideration. However, pursuant to Woods v. Carey, No. 09-15548, slip op. 7871, 7884-85 (9th Cir. July 6, 2012), plaintiff must read the following "NOTICE -- WARNING (SUMMARY JUDGMENT)," which is provided to him for a second time pursuant to Rand v. Rowland, 154 F.3d 952, 953-954 (9th Cir. 1998) (en banc), and Klinge v. Eikenberry, 849 F.2d 409, 411-12 (9th Cir. 1988).

NOTICE -- WARNING
(SUMMARY JUDGMENT)

If defendants move for summary judgment, they are seeking to have your case dismissed. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

1 Rule 56 tells you what you must do in order to oppose a motion for summary judgment.
2 Generally, summary judgment must be granted when there is no genuine issue of material
3 fact--that is, if there is no real dispute about any fact that would affect the result of your case, the
4 party who asked for summary judgment is entitled to judgment as a matter of law, which will
5 end your case. When a party you are suing makes a motion for summary judgment that is
6 properly supported by declarations (or other sworn testimony), you cannot simply rely on what
7 your complaint says. Instead, you must set out specific facts in declarations, depositions, answers
8 to interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts
9 shown in the defendant's declarations and documents and show that there is a genuine issue of
10 material fact for trial. If you do not submit your own evidence in opposition, summary judgment,
11 if appropriate, may be entered against you. If summary judgment is granted, your case will be
12 dismissed and there will be no trial.

13 Although the deadline for plaintiff to file an opposition has already passed, in light of
14 Woods, plaintiff may file a supplemental opposition within 14 days of this order. Defendants
15 shall file a supplemental reply to any supplemental opposition within 7 days thereafter.

16 IT IS SO ORDERED.

17 DATED: 9/5/2014


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARCOS C. GUILLEN,
Plaintiff,

Case Number: CV06-05176 RMW

CERTIFICATE OF SERVICE

v.

ROCHA et al,
Defendant.

_____/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 31, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marcos C Guillen K04517
Mule Creek State Prison
A5-210-Lower
Post Office Box 409020
Ione, CA 95640

Dated: July 31, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk